IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 12824 of 2004

Between:

Sri Mohd. Moulana, s/o Chotemaiah,
Presently r/o Riyadh, Saudi Arabia, rep. by his General Power of Attorney Holder Sri Mohd. Yousuf S/o Mohd.
Khasim, aged 39 yrs, R/o H.No. 1-13, Aryanagar Locality, Kodangal V & M, Mahabubnagar District.

..... PETITIONER

AND

1 The Registering Authority, Regional Transport Authority, Mahabubnagar, Mahabubnagar District.
2 The Motor Vehicles Inspector, RTA Pargi, Ranga Reddy District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a Writ order or direction especially one in the nature of Writ of mandamus declaring the seizure of the petitioner's vehicle bearing No. AP 22 D 9343 vide vehicle check report No. 1623165 dt. 8-7-2004, under Section 8 of A.P. Motor Vehicles Taxation Act 1963, is illegal, abitrary and further declare that the non consideration of the application is also illegal

Counsel for the Petitioner:MR.CH.RAVINDER

Counsel for the Respondent No.: GP FOR TRANSPORT

The Court at the admission stage made the following :

ORDER:

(per Sri Bilal Nazki, J)

Heard the learned counsel for the parties and with their consent the matter is being disposed of at this stage.

It is submitted that the vehicle belonging to the petitioner was inspected by the Motor Vehicles Inspector on 8.7.2004 and he found that the driver was not carrying the Registration Certificate. He also found that the petitioner did not submit the proof of IC and the vehicle was without FC and without valid permit. He was also informed by the passengers traveling in the vehicle that they had been charged Rs. 100/- from Tandhur to Kodangal and the vehicle was plying as maxi cab. But, the petitioner submits that the vehicle was being run as a private vehicle for private use. Therefore, this is a matter to be decided by the Officer concerned during the enquiry, but, as of now, the vehicle is registered as a private vehicle.

Under these circumstances, we dispose of the Writ Petition by directing the petitioner to pay the tax due and on payment of tax due, the vehicle shall be released subject to the final orders in the enquiry. During the pendency of the enquiry, the petitioner shall not alienate the vehicle or create any third party interest.

Accordingly, the Writ Petition is disposed of. No costs.

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BILAL NAZKI, J

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S. ANANDA REDDY,J

DATED: 27.7.2004.

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Note: Communicate copy in two days.

To

1 The Registering Authority, Regional Transport Authority,
Mahabubnagar, Mahabubnagar District.
2 The Motor Vehicles Inspector, RTA Pargi, Ranga Reddy District.

3. 2 CC to G.P for Transport, High Court Buildings, High Court of A.P., Hyderabad.

4. 2 CD copies.